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**STATEMENT OF SENATOR EDWARD M. KENNEDY ON <sup>3</sup>THE NEED FOR  
FDA REGULATION OF TOBACCO PRODUCTS**

(As prepared for delivery)

This hearing focuses on the need for FDA regulation of tobacco products, the most lethal of all consumer products. Used as intended by the companies that manufacture and market them, cigarettes will kill one out of every three smokers. Yet, the federal agency most responsible for protecting the public health is currently powerless to deal with the enormous risks of tobacco use. Public health experts overwhelmingly believe the passage of S. 625 bipartisan legislation that will at long last give the FDA authority to regulate tobacco products is the most important action Congress can take to protect children from this deadly addiction. If Congress fails to act and smoking continues at its current rate, more than six million of today's children will ultimately die from tobacco-induced disease.

Smoking is the number one preventable cause of death in America. Nationally, cigarettes kill well over four hundred thousand people each year. That is more lives lost than from automobile accidents, alcohol abuse, illegal drugs, AIDS, murder, and suicide combined. Congress cannot continue to ignore a public health problem of this magnitude.

Giving FDA authority over tobacco products will not make the tragic toll of tobacco use disappear overnight. More than forty million people are hooked on this highly addictive product and many of them have been unable to quit despite repeated attempts. However, FDA action can play a major role in breaking the gruesome cycle that seduces millions of teenagers into a lifetime of addiction and premature death.

What can FDA regulation accomplish?

- \* It can reduce youth smoking by preventing tobacco advertising which targets children.
- \* It can help prevent the sale of tobacco products to minors.
- \* It can stop the tobacco industry from continuing to mislead the public about the dangers of smoking.
- \* It can help smokers overcome their addiction.
- \* It can make tobacco products less toxic and less addictive for those who continue to use them.
- \* And it can prohibit unsubstantiated health claims about supposedly <sup>3</sup>reduced risk<sup>2</sup> products.

Regulating the conduct of the tobacco companies is as necessary today as it has been in years past. The facts presented in the federal government's landmark lawsuit against the tobacco industry conclusively demonstrate that the misconduct is substantial

and ongoing. The decision of the Court states: <sup>3</sup>The evidence in this case clearly establishes that Defendants have not ceased engaging in unlawful activity. Defendants continue to engage in conduct that is materially indistinguishable from their previous actions, activity that continues to this day.<sup>2</sup> Only strong FDA regulation can force the necessary change in their corporate behavior.

We must deal firmly with tobacco company marketing practices that target children and mislead the public. The tobacco industry currently spends over fifteen billion dollars each year to promote its products. Much of that money is spent in ways designed to tempt children to start smoking, before they are mature enough to appreciate the enormity of the health risk. The industry knows that nearly 90% of smokers begin as children and are addicted by the time they reach adulthood.

If we are serious about reducing youth smoking, FDA must have the power to prevent industry advertising designed to appeal to children wherever it will be seen by children. This legislation will give FDA the authority to stop tobacco advertising that glamorizes smoking to kids.

FDA authority must extend to the sale of tobacco products as well to ensure that children under 18 are not able to buy cigarettes.

The tobacco industry has a long, dishonorable history of providing misleading information about the health consequences of smoking. FDA must have clear and unambiguous authority to prevent such misrepresentations in the future. The largest disinformation campaign in the history of the corporate world must end.

The nicotine in cigarettes is highly addictive. Medical experts say that it is as addictive as heroin or cocaine. Yet for decades, while tobacco companies were publicly denying the addictiveness of their products, they were actually chemically manipulating the nicotine in them to make it even more addictive. A newly released analysis by the Harvard School of Public Health demonstrates that cigarette manufacturers are still manipulating nicotine levels. Between 1998 and 2005, they significantly increased the nicotine yield from major brand cigarettes.

FDA must have the power to take the necessary steps to help addicted smokers overcome their addiction, and to make the product less toxic for smokers who are unable or unwilling to stop.

This legislation will also require manufacturers to submit <sup>3</sup>reduced risk<sup>2</sup> products to the FDA for analysis before they can be marketed. No health-related claims will be permitted until they have been verified to the FDA's satisfaction. These safeguards are essential to prevent deceptive industry marketing campaigns, which could lull the public into a false sense of health safety.

Enacting this bill this year is the right thing to do for America's children. They are depending on us. By passing this legislation, we can help them live longer, healthier lives.

Groups Supporting the <sup>3</sup>Family Smoking Prevention and Tobacco Control Act<sup>2</sup> (S. 625)

American Cancer Society  
American Heart Association  
American Lung Association  
Campaign for Tobacco-Free Kids  
AARP

Alliance of the American Dental Association American Academy of Child and Adolescent Psychiatry American Academy of Family Physicians American Academy of Nurse Practitioners American Academy of Pediatrics American Association for Respiratory Care American College of Cardiology American College of Chest Physicians American College of Clinical Oncology American College of Obstetricians and Gynecologists American College of Occupational and Environmental Medicine American College of Physicians American College of Preventative Medicine American Dental Association American Dental Hygienists' Association American Medical Association American Psychological Association American Public Health Association American Society of Addiction Medicine American Society of Clinical Oncology American Thoracic Society Association of Maternal and Child Health Programs Children's Defense Fund Community Anti-Drug Coalitions of America General Board of Church & Society of the United Methodist Church Hadassah The Women's Zionist Organization of America Interreligious Coalition on Smoking or Health March of Dimes National African American Tobacco Prevention Network National Association of County & City Health Officials National Association of Local Boards of Health National Education Association National Hispanic Medical Association National Latino Council on Alcohol and Tobacco Prevention National Partnership for Women & Families National Women's Law Center Oncology Nursing Society Oral Health America Partnership for Prevention Seventh-day Adventist Church Christian Methodist Church Islamic Society of North America Unitarian Universalist Association of Congregations World Sikh Council Religious Action Center of Reform Judaism American Baptist Churches of the South American Baptist Churches USA Southern Baptist Convention Brethren Witness Presbyterian Church (USA) Evangelical Lutheran Church in America National Episcopal Health Ministries Christian Church (Disciples of Christ) Church Women United National Council of Churches of Christ in the USA United Church of Christ General Commission on United Methodist Men.